

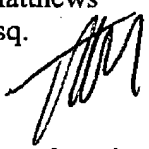
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BROMBERG * SUNSTEIN LLP

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TO	Patent and Trademark Office	FAX	571-273-8300
	Examiner William H. Matthews		
FROM	Timothy M. Murphy, Esq. 	PAGES	8 (INCLUDING THIS SHEET)
PHONE		DATE	3/20/2006
RE	Amendment or Response After Final Rejection U.S. Patent Application for Medical Implant Application No. 10/722,109 Filed: November 25, 2003		
OUR FILE	2757/101	YOUR FILE	Application No. 10/722,109

COMMENTS

Please see attached.

PLEASE NOTIFY BROMBERG & SUNSTEIN LLP AT (617) 443-9292, IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION.

THIS TRANSMITTAL IS INTENDED ONLY FOR THE ADDRESSEE, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL. IF THE RECIPIENT OF THIS TRANSMITTAL IS NOT THE ADDRESSEE, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE.

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Practitioner's Docket No. 2757/101

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc O. Schurr

Application No.: 10/722,109

Group No.: 3738

Filed: 11/25/2003

Examiner: Matthews, W.H.

For: Medical Implant

RESPONSE UNDER
37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP

3738

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT OR RESPONSE AFTER FINAL REJECTION--TRANSMITTAL

1. Transmitted herewith is an amendment after final rejection (37 C.F.R. 1.116) for this application.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☐ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☐ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

☐ as "Express Mail Post Office to Addressee"

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TRANSMISSION

[x] facsimile transmitted to the Patent and Trademark Office, (571) 273-8300.


Signature

Date: March 20, 2006

Timothy M. Murphy

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Amendment or Response After Final Rejection--page 1 of 3

STATUS

2. Applicant is other than a small entity .

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for three months:

Fee: \$1,020.00

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)	OTHER THAN SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE		ADDIT. FEE
TOTAL	5	MINUS	28	= 0	x	\$ 50.00	= \$	0.00
INDEP	1	MINUS	3	= 0	x	\$ 200.00	= \$	0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM					+	\$ 0.00	= \$	0.00
TOTAL								\$ 0.00
ADDIT. FEE								

No additional fee for claims is required.

FEE PAYMENT

5. Authorization is hereby made to charge the amount of \$1,020.00 to Deposit Account No. 19-4972.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

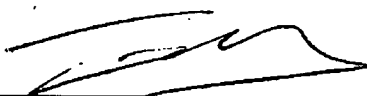
FEE DEFICIENCY

6. If an additional extension and/or fee is required, charge Account No. 19-4972.

If an additional fee for claims is required, charge Account No. 19-4972.

Amendment or Response After Final Rejection —page 2 of 3

Date: March 20, 2006



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Amendment or Response After Final Rejection --page 3 of 3

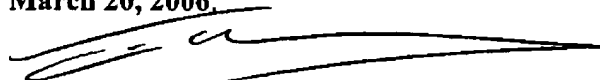
MAR 20 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Schurr	Att'y Docket:	2757/101
Serial No:	10/722,109	Examiner:	Matthews, W.H.
Date Filed:	November 25, 2003	Art Unit:	3738
Invention:	Medical Implant		

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to (571) 273-8300 on March 20, 2006.



Timothy M. Murphy

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE UNDER 37 C.F.R. § 1.116 EXPEDITED PROCEDURE EXAMINING GROUP 3738
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RESPONSE C

Dear Sir:

In response to the Office Action mailed on September 22, 2005 and the advisory action mailed March 6, 2006 in response to the applicant response filed December 22, 2005, Applicants respond as follows.

Amendments to the Claims begin on page 2 in this paper.

Remarks begin on page 6 of this paper